

ANSWERING "JURISDICTION"

2. To the extent the allegations of paragraph 2 are deemed to be allegations of the law, Defendant is not required to plead thereto; to the extent the allegations of the said paragraph are deemed to be allegations of fact, Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of each and every allegation.

ANSWERING "VENUE"

3. To the extent the allegations of paragraph 3 are deemed to be allegations of the law, Defendant is not required to plead thereto; to the extent the allegations of the said paragraph are deemed to be allegations of fact, Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity of each and every allegation.

ANSWERING "THE PARTIES"

4. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 4, and on that basis denies said allegations.

5. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 5, and on that basis denies said allegations.

6. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 6, and on that basis denies said allegations.

7. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 7, and on that basis denies said allegations.

8. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 8, and on that basis denies said allegations.

9. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 9, and on that basis denies said allegations.

10. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 10, and on that basis denies said allegations.

11. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 11, and on that basis denies said allegations.

12. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 12, and on that basis denies said allegations.

13. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 13, and on that basis denies said allegations.

14. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 14, and on that basis denies said allegations.

15. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 15, and on that basis denies said allegations.

16. Defendant denies the allegations of Paragraph 16 except admits that Desperado Entertainment, Inc. (which was incorrectly sued herein as its doing business as name, Each 1 Teach 1) is a California Corporation.

17. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 17, and on that basis denies said allegations.

18. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 18, and on that basis denies said allegations.

19. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 19, and on that basis denies said allegations.

20. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 20, and on that basis denies said allegations except

admits that a musical composition and sound recordings entitled "Put You On The Game" appears on the album entitled "The Documentary".

21. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 21, and on that basis denies said allegations except admits that a musical composition and sound recordings entitled "Put You On The Game" appears on the album entitled "The Documentary".

22. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 22, and on that basis denies said allegations except admits that a musical composition and sound recordings entitled "Put You On The Game" appears on the album entitled "The Documentary".

23. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 23, and on that basis denies said allegations except admits that a musical composition and sound recordings entitled "Put You On The Game" appears on the album entitled "The Documentary".

24. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 24, and on that basis denies said allegations except admits that the album entitled "The Documentary" was released, manufactured, and/or distributed.

25. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 25, and on that basis denies said allegations except admits that the album entitled "The Documentary" was released, manufactured, and/or distributed.

26. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 26, and on that basis denies said allegations except

admits that the album entitled "The Documentary" was released, manufactured, and/or distributed.

27. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 27, and on that basis denies said allegations except admits that the album entitled "The Documentary" was released, manufactured, and/or distributed.

28. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 28, and on that basis denies said allegations except admits that the album entitled "The Documentary" was released, manufactured, and/or distributed.

29. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 29, and on that basis denies said allegations except admits that the album entitled "The Documentary" was released, manufactured, and/or distributed.

30. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 30, and on that basis denies said allegations.

31. Defendant denies the allegations of paragraph 31 except admit that Desperado Entertainment, Inc. (which was incorrectly sued herein as Each 1 Teach 1) possesses an ownership share and administers the musical composition "Put You On The Game".

32. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 32, and on that basis denies said allegations.

33. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 33, and on that basis denies said allegations.

34. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 34, and on that basis denies said allegations.

ANSWERING "BACKGROUND FACTS"
The "Baghon Mein Bahar Hai" Copyrights

35. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 35, and on that basis denies said allegations.

36. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 36, and on that basis denies said allegations.

37. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 37, and on that basis denies said allegations.

38. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 38, and on that basis denies said allegations.

39. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 39, and on that basis denies said allegations.

40. To the extent the allegations of paragraph 40 are deemed to be allegations of the law, Defendant is not required to plead thereto; to the extent the allegations of the said paragraph are deemed to be allegations of fact, Defendant denies knowledge or information sufficient to form a belief as to the truth or falsity or each and every allegation.

41. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 41, and on that basis denies said allegations.

42. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 42, and on that basis denies said allegations.

43. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 43, and on that basis denies said allegations.

44. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 44, and on that basis denies said allegations.

45. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 45, and on that basis denies said allegations.

46. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 46, and on that basis denies said allegations.

The "Put You On The Game" Recording and Infringement of "Baghon Mein Bahar Hai"

47. Defendant lacks knowledge and information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 47, and on that basis denies said allegations except admits that the album entitled "The Documentary" was released, manufactured, and/or distributed which contains the song entitled "Put You On The Game" performed by Defendant JAYCEON TAYLOR p/k/a THE GAME.

48. Defendant denies the allegations in paragraph 48 of the Complaint.

49. Defendant denies the allegations in paragraph 49 of the Complaint.

50. Defendant denies the allegations in paragraph 50 of the Complaint.

51. Defendant denies the allegations in paragraph 51 of the Complaint.

52. Defendant denies the allegations in paragraph 52 of the Complaint.

53. Defendant denies the allegations in paragraph 53 of the Complaint.

54. Defendant denies the allegations in paragraph 54 of the Complaint.

55. Defendant denies the allegations in paragraph 55 of the Complaint.

56. Defendant denies the allegations in paragraph 56 of the Complaint.

57. Defendant denies the allegations in paragraph 57 of the Complaint.

58. Defendant denies the allegations in paragraph 58 of the Complaint.

ANSWERING COUNT I
(Copyright Infringement – "Bahon Mein Bahar Hai" – Damages)

59. Defendant incorporates by reference each and every response set forth in paragraphs 1 through 58, as fully set forth herein.

60. Defendant denies the allegations in paragraph 60 of the Complaint.

61. Defendant denies the allegations in paragraph 61 of the Complaint.

62. Defendant denies the allegations in paragraph 62 of the Complaint.

63. Defendant denies the allegations in paragraph 63 of the Complaint.

64. Defendant denies the allegations in paragraph 64 of the Complaint.

65. Defendant denies the allegations in paragraph 65 of the Complaint.

ANSWERING COUNT II
(Copyright Infringement- "Baghon Mein Bahar Hai"- Injunctive Relief)

66. Defendant incorporates by reference each and every response set forth in paragraphs 1 through 65, as fully set forth herein.

67. Defendant denies the allegations in paragraph 67 of the Complaint.

68. Defendant denies the allegations in paragraph 68 of the Complaint.

69. Defendant denies the allegations in paragraph 69 of the Complaint.

70. Defendant denies the allegations in paragraph 70 of the Complaint.

ANSWERING COUNT III
(Common Law Copyright Infringement- "Baghon Mein Bahar Hai"- Damages)

71. Defendant incorporates by reference each and every response set forth in paragraphs 1 through 70, as fully set forth herein.

72. Defendant denies the allegations in paragraph 72 of the Complaint.

73. Defendant denies the allegations in paragraph 73 of the Complaint.

ANSWERING COUNT IV

(Common Law Copyright Infringement- "Baghon Mein Bahar Hai"- Injunctive Relief)

74. Defendant incorporates by reference each and every response set forth in paragraphs 1 through 73, as fully set forth herein.

75. Defendant denies the allegations in paragraph 75 of the Complaint.

76. Defendant denies the allegations in paragraph 76 of the Complaint.

ANSWERING COUNT V

(Unfair Competition- "Baghon Mein Bahar Hai" – Damages)

77. Defendant incorporates by reference each and every response set forth in paragraphs 1 through 76, as fully set forth herein.

78. Defendant denies the allegations in paragraph 78 of the Complaint.

79. Defendant denies the allegations in paragraph 79 of the Complaint.

80. Defendant denies the allegations in paragraph 80 of the Complaint.

81. Defendant denies the allegations in paragraph 81 of the Complaint.

ANSWERING COUNT VI

(Unfair Competition – "Baghon Mein Bahar Hai" – Injunctive Relief)

82. Defendant incorporates by reference each and every response set forth in paragraphs 1 through 81, as fully set forth herein.

83. Defendant denies the allegations in paragraph 83 of the Complaint.

84. Defendant denies the allegations in paragraph 84 of the Complaint.

AS TO THE RELIEF DEMANDED

85. Defendant asserts that Plaintiff is not entitled to the relief requested.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE:

86. Plaintiff's Complaint fails to state any claim(s) upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE:

87. Plaintiff is barred from recovery to the extent that Plaintiff lacks standing to bring this action.

THIRD AFFIRMATIVE DEFENSE:

88. Plaintiff is barred from recovery to the extent that this Court lacks subject matter jurisdiction over the Plaintiff's claims.

FOURTH AFFIRMATIVE DEFENSE:

89. Plaintiff is barred from the recovery of any attorneys' fees and/or statutory damages pursuant to the Copyright laws under 17 U.S.C. § 101 et seq. (the "Copyright Act").

FIFTH AFFIRMATIVE DEFENSE:

90. Plaintiff is barred from recovery as any use of the works at issue by Defendant was *de minimus* and therefore not actionable.

SIXTH AFFIRMATIVE DEFENSE:

91. Plaintiff is barred from recovery to the extent that any alleged use was made pursuant to obtaining a valid license from any owner, co-owner, co-author and/or any third party with rights in and to the works at issue in this action, and, therefore, is a licensee of such works.

SEVENTH AFFIRMATIVE DEFENSE:

92. Plaintiff's claims are barred by the doctrine of estoppel.

EIGHTH AFFIRMATIVE DEFENSE:

93. Plaintiff's claims are barred by the doctrine of waiver.

NINTH AFFIRMATIVE DEFENSE:

94. Plaintiff's claims are barred, in whole or in part, because Plaintiff has not suffered any damages and/or any damages alleged are too speculative and imprecise.

TENTH AFFIRMATIVE DEFENSE:

95. Plaintiff's claims are barred from recovery to the extent that Plaintiff has failed to join necessary and indispensable parties.

ELEVENTH AFFIRMATIVE DEFENSE:

96. Plaintiff's claims are barred as any alleged uses of the musical composition at issue was done with an innocent intent and without any belief that its acts constituted an infringement of copyright.

TWELFTH AFFIRMATIVE DEFENSE:

97. Plaintiff's claims are barred by the doctrine of laches.

THIRTEENTH AFFIRMATIVE DEFENSE:

98. Plaintiff's claims may be barred, in whole or part, by the applicable statutes of limitations.

FOURTEENTH AFFIRMATIVE DEFENSE:

99. Plaintiff's claims are barred, in whole or in part, because Plaintiff has failed to mitigate its damages.

FIFTEENTH AFFIRMATIVE DEFENSE:

100. To the extent Plaintiff has suffered any harm, which Defendant denies; such harm was proximately caused by other defendants and/or by third parties, not by Defendant. As such, at a minimum, Defendant is entitled to indemnity and/or contribution from such actors.

SIXTEENTH AFFIRMATIVE DEFENSE:

101. Plaintiffs' claims are preempted by the Copyright Act.

SEVENTEENTH AFFIRMATIVE DEFENSE:

102. Plaintiff's claims are barred under the doctrine of fair use.

EIGHTEENTH AFFIRMATIVE DEFENSE:

103. Plaintiff's claims are barred by the doctrine of unclean hands.

NINETEENTH AFFIRMATIVE DEFENSE:

104. The Complaint may contain insufficient information to permit the Defendant to raise all appropriate defenses. Moreover, discovery may reveal additional defenses. Accordingly, Defendant reserves the right to amend and/or to supplement its answer and affirmative defenses.

WHEREFORE, Defendant respectfully request that the Court:

1. Dismiss Plaintiff's Complaint and each claim for relief therein with prejudice;
2. Award the Defendant their reasonable costs and attorneys' fees incurred in having to defend this action, pursuant to 17 U.S.C. § 505; and
3. Award the Defendant such other and further relief as this Court may deem just and proper.

Dated: New York, New York
November 30, 2007

DEWEY & LEBOEUF LLP

/s/

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(incorrectly sued herein as its doing business name
Each 1 Teach 1)*